

AMENDED IN ASSEMBLY JUNE 20, 2016

SENATE BILL

No. 1017

Introduced by Senator Hill

February 11, 2016

An act to amend Section 583 ~~of~~ *of, and to add Section 583.1 to*, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1017, as amended, Hill. Public Utilities Commission: public availability of utility supplied documents.

The California Constitution establishes the Public Utilities Commission with certain general authority over all public utilities, including the authority to establish rules for all public utilities, subject to control by the Legislature. The Public Utilities Act prohibits the commission or an officer or employee of the commission from disclosing any information furnished to the commission by a public utility, a subsidiary, an affiliate, or a corporation holding a controlling interest in a public utility, unless the information is specifically required to be open to public inspection under the act, except on order of the commission or a commissioner in the course of a hearing or proceeding. *Existing law provides that any officer or employee of the commission who divulges any such information is guilty of a misdemeanor.*

This bill would repeal the provision that makes divulging this information a misdemeanor. The bill would authorize the commission to adopt rules providing for the disclosure of information furnished to the commission by a public utility, a subsidiary, an affiliate, or a corporation holding a controlling interest in a public utility. The bill would require the commission to develop rules consistent with the California Public Records Act for the expeditious disclosure, without

the necessity of an order of the commission or a commissioner in the course of a hearing or proceeding, of information related to (1) public health and safety emergencies, (2) public, employee, and contractor safety, and (3) environmental degradation caused by loss of operational control by a public utility.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that, pursuant
2 to Section 3 of Article I of the California Constitution, the public
3 should have access to all public records of state entities and this
4 right should extend to public records of the Public Utilities
5 Commission.

6 SEC. 2. Section 583 of the Public Utilities Code is amended
7 to read:

8 583. No information furnished to the commission by a public
9 utility, or any business which is a subsidiary or affiliate of a public
10 utility, or a corporation which holds a controlling interest in a
11 public utility, except those matters specifically required to be open
12 to public inspection by this part, shall be open to public inspection
13 or made public except on order or rule of the commission, or by
14 the commission or a commissioner in the course of a hearing or
15 proceeding. ~~Any present or former officer or employee of the~~
16 ~~commission who divulges any such information is guilty of a~~
17 ~~misdemeanor.~~

18 SEC. 3. Section 583.1 is added to the Public Utilities Code, to
19 read:

20 583.1. (a) *The commission shall develop rules consistent with*
21 *the California Public Records Act (Article 1 (commencing with*
22 *Section 6250) of Chapter 3.5 of Division 7 of Title 1 of the*
23 *Government Code) for the expeditious disclosure of information*
24 *related to all of the following:*

25 (1) *Public health and safety emergencies.*

26 (2) *Public, employee, and contractor safety.*

27 (3) *Environmental degradation caused by loss of operational*
28 *control by a public utility.*

29 (b) *Nothing in this part requires the commission to disclose*
30 *documents when the public interest served by not disclosing the*

1 *records clearly outweighs the public interest served by disclosure*
2 *of the records.*
3 *(c) Nothing in this part requires the commission to disclose*
4 *documents regarding utility employees, contract employees, or*
5 *individuals who generally have an objectively reasonable*
6 *expectation of privacy in which disclosure would constitute an*
7 *unwarranted invasion of personal privacy.*

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